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Violence against women migrant workers

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 70/130, outlines the current context with respect to the problem of violence against women migrant workers. It provides information on the measures taken by Member States and activities undertaken within the United Nations system to address this issue and ensure the protection of migrant women's human rights. The report concludes with recommendations for future action.

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I. Introduction

1. In its resolution 70/130 on violence against women migrant workers, the General Assembly requested the Secretary-General to provide a comprehensive, analytical and thematic report on the implementation of the resolution at its seventy-second session, taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization (ILO), the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Office on Drugs and Crime, as well as the reports of special rapporteurs that refer to the situation of women migrant workers and other relevant sources, including non-governmental organizations. It called upon Governments to adopt or strengthen measures to protect the human rights of women migrant workers, regardless of immigration status, including ensuring their access to adequate
health-care services and to justice, and by addressing the underlying causes of violence against women migrant workers through education, dissemination of information and awareness-raising.

2. The present report covers the period from July 2015 to June 2017. Since the finalization of the previous report (A/70/205), Member States have adopted the 2030 Agenda for Sustainable Development, a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets (resolution 70/1). Goal 5 aims to achieve gender equality and empower all women and girls, and one of its targets (5.2) is to eliminate all forms of violence against women and girls in the public and private spheres. Further, the Sustainable Development Goals outline 22 migration-related targets across 11 goals, including target 8.7 on ending modern slavery and human trafficking which reflects the important link between migration and trafficking, and target 8.8 on protecting labour rights and promoting safe and secure working environments for all workers, particularly women migrants and those in precarious employment. The 2030 Agenda thus provides a new impetus for action to address violence against women migrant workers.

3. The Beijing Platform for Action articulated a vision for women to live their lives free from violence. Migrant women, including women migrant workers, are noted as being particularly vulnerable to violence and other forms of abuse. It further outlined the need for States to implement the Convention on the Elimination of All Forms of Discrimination against Women, the most comprehensive international instrument to protect and promote the human rights of women and girls. The Committee on the Elimination of Discrimination against Women introduced two general recommendations (Nos. 12 and 19) on violence against women and continues to make specific recommendations to States parties in relation to ending violence against women.

4. This present report incorporates submissions from 25 Member States[1] and five United Nations entities[2] relating to violence against women migrant workers in all public and private spheres. It draws on concluding observations, general recommendations and comments of human rights treaty bodies, and reports by

[1] Argentina, Australia, Bosnia and Herzegovina, Burkina Faso, Cambodia, China, Costa Rica, Cyprus, Dominican Republic, Ecuador, Greece, Indonesia, Italy, Jamaica, Japan, Jordan, Mexico, Mozambique, Nepal, Philippines, Poland, Russian Federation, Sri Lanka, Togo and Turkey.

[2] International Labour Organization (ILO), International Organization for Migration (IOM), Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and World Health Organization (WHO).

special procedures mandate holders of the Human Rights Council. Further, in recognition of the important role of non-State actors, this report also includes data and case studies from the Women in Migration Network, a civil society organization that advocates for the human rights of all migrant women and the elimination of all forms of gender-based violence.[3]

II. Context

5. In September 2016, Heads of State and Government and High Representatives adopted the New York Declaration for Refugees and Migrants (General Assembly resolution 71/1) during the high-level plenary meeting on addressing large movements of refugees and migrants. This was an unprecedented moment of international cooperation on addressing large movements of refugees and migrants, and sets out a commitment to ensure a dignified and people-centred approach. The Declaration commits the international community to the promotion of gender equality and the empowerment of all women and girls, the full respect and protection of the human rights of women and girls, and the elimination of sexual and gender-based violence to the greatest extent possible. One of the key outcomes of the Declaration was the agreement to develop a global compact for safe, orderly and regular migration. The global compact will outline a set of principles, commitments and understandings among Member States to ensure that governance of international migration fully respects and protects the human rights and fundamental freedoms of all migrants. The global compact is a unique opportunity for Member States to bolster their commitments to incorporate a gender perspective into migration policies and strengthen national laws, institutions and programmes to eliminate sexual and gender-based violence against migrant women.

6. There is an urgent need to better respond to the gender dimensions of migration. Of the approximately 244 million migrants worldwide, an estimated 48 per cent are women.[4] In Europe, Latin America and the Caribbean, Oceania[5] and North America women continue to represent approximately 50 per cent of all international migrants, whereas in Africa and Asia women represent 46.1 per cent and 42 per cent of the total number of international migrants, respectively.[6] There is limited data available for those migrant women with irregular migration status or working in unregulated or informal sectors.[7] Data on more highly-skilled documented migrant women shows that they tend to be concentrated in female-dominated occupations.[8] The International Organization for Migration (IOM) and the Organization for Economic Cooperation and Development have shown that

[3] More information about the Women in Migration Network is available from womeninmigration.org.

[4] United Nations, *International Migration Report 2015: Highlights* (ST/ESA/SER.A/375). Available from www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015_Highlights.pdf.

[5] Oceania includes Australia, New Zealand, Melanesia, Micronesia and Polynesia.

[6] See www.un.org/en/development/desa/population/migration/data/estimates2/estimatesgraphs.shtml?5g5.

[7] ILO, *ILO Global Estimates on Migrant Workers: Results and Methodology — Special Focus on Migrant Domestic Workers* (Geneva, 2015); see also http://madenetwork.org/sites/default/files/BP%204%20Rights%20of%20migrant%20women%20-%20web.pdf.

[8] IOM and Organization for Economic Cooperation and Development, "Harnessing knowledge on the migration of highly skilled women", 2014.

many migrant women experience de-skilling, working in sectors that do not reflect their level of education or qualifications.[9]

7. For countries of origin, transit and destination migration has the potential to foster more equitable, inclusive and sustainable economic growth and human development. Migration can afford women the opportunity to overcome or leave behind persistent gender inequalities in their countries of origin and escape situations of abusive spousal relationships.[10] Migration can also foster women's empowerment and, through new opportunities and personal expansion, improve their agency and autonomy.[11] Women migrant workers make considerable contributions to countries of origin, transit and destination: in 2016 migrant women accounted for approximately half of the $601 billion sent in global remittances.[12] Owing to the demand-driven sectors in which women migrant workers are concentrated (domestic work, care services and entertainment) their remittances are more resilient to economic shocks. Research has shown that migrant women are often more likely than men to remit on a regular basis owing to women's stronger links to family members and self-insurance motives,[13] underlining the link between a woman's gendered caregiving role in the household and her increasing propensity to remit.[14] Yet the feminized, informal sectors in which many migrant women work are characterized by low wages, poor working conditions, limited labour and social protections, and exposure to physical and sexual violence. This indicates that remittances are produced at significant personal cost to women migrant workers.[15]

8. Despite the potential gains from migration, migrant women are often more vulnerable to human rights violations than men, owing to deeply entrenched gender inequalities that shape, inter alia, the informality of the sectors in which they work and restrictive immigration controls. This includes the failure of some criminal justice systems to differentiate between irregular migrants and victims of trafficking, exposing many migrant women to further violations by treating them as criminals without proper access to justice.[16] In his report to the Human Rights Council in 2015 (A/HRC/29/36), the Special Rapporteur on the human rights of migrants recognized that irregular migration is not a crime and yet some States continue to criminalize irregular entry or stay. Such criminalization often leads to unlawful detention, and in many cases women are not detained separately from men.

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[9] Ibid.

[10] Christina E. Bejarano, *The Latino Gender Gap in U.S. Politics* (New York, Routledge, 2014); IOM, "Taking action against violence and discrimination affecting migrant women and girls", IOM factsheet. Available from http://publications.iom.int/system/files/pdf/violence_against_women_infosheet2013.pdf.

[11] Jenna Hennebry, Keegan Williams and Margaret Walton-Roberts, *Women Working Worldwide: A Situational Analysis of Women Migrant Workers*, Research Paper (New York, UN-Women, 2016).

[12] See http://ir.westernunion.com/news/archived-press-releases/press-release-details/2016/Western-Union-Pays-Tribute-to-Global-Women-Work-Force-as-World-Economic-Change-Agents-and-Calls-for-Greater-Recognition-and-Integration/default.aspx.

[13] Maelan Le Goff, "Feminization of migration and trends in remittances", January 2016. Available from https://wol.iza.org/uploads/articles/220/pdfs/feminization-of-migration-and-trends-in-remittances.pdf?v=1.

[14] Mónika López-Anuarbe, Maria Amparo Cruz-Saco and Yongjin Park, "More than altruism: cultural norms and remittances among Hispanics in the USA", *Journal of International Migration and Integration*, vol. 17, No. 2 (May 2016).

[15] J. Hennebry, J. Holliday and M. Moniruzzaman, *At What Cost? Women Migrant Workers, Remittances and Development*, Research Paper (New York, UN-Women, 2017).

[16] Liz Hales, and Loraine Gelsthorpe, *The Criminalization of Migrant Women* (Cambridge, United Kingdom, Institute of Criminology, University of Cambridge, 2012). Also available online from www.crim.cam.ac.uk/people/academic_research/loraine_gelsthorpe/criminalreport29july12.pdf.

Mandatory detention can place migrant women in situations in which they are at greater risk of physical and sexual violence.[17]

9. Migrant women's ability to seek help or justice or to report violence is stymied by the shortage of full and reliable information that is linguistically and culturally appropriate. Migrant women who do not have legal status in countries of transit and destination may feel unsafe in accessing health care or sexual and reproductive health services, for fear of arrest and deportation.[18] This fear feeds the reluctance of migrant women to report gender-based violence or other forms of abuse to authorities.[19] As recognized by the Special Rapporteur on the human rights of migrants, there is a need for "firewalls" to separate immigration enforcement from access to public services.[20] This would go some considerable distance to ensuring that migrant women feel safe seeking support without fear of reprisal from immigration enforcement authorities.

10. Along their migration journey, women and girls face a heightened risk of abuse, extortion and sexual and gender-based violence, particularly at border crossings.[21] For many migrant women, the lack of information about the dangers of migrating continues to be a concern.[22] Despite being aware of the potential dangers of migrating, some women are so desperate to escape violence, abuse or gender inequality[23] that they take these risks in the hope of building better lives for themselves and/or their families. Research has shown that many smugglers use exploitative pay-as-you-go systems of payment that create debt bondage which in turn increases migrant women's vulnerability.[24]

11. In 2016, IOM reported that 7,872 people were recorded as dead or missing during migration.[25] Despite the challenges in data collection, IOM gathers sex-disaggregated data at the regional level for those reported as dead or missing along specific migration routes. Evidence has shown that during migrant sea crossings women and girls are at a greater risk of drowning as they are less likely than men or boys to be able to swim, their clothes may impede their movement, and they often succumb to hyperthermia sooner than men.[26]

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[17] United Nations, "UN Special Rapporteur on the human rights of migrants concludes his follow up country visit to Greece", 16 May 2016. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19972&LangID=E#sthash.SFVGeldc.dpuf.

[18] United Nations, "Behind closed doors: protecting and promoting the human rights of migrant domestic workers in an irregular situation", 2015.

[19] Alexis A. Arowitz, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (Westport, Connecticut, Praeger Publishers, 2009).

[20] Statement available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16886&LangID=E.

[21] United Nations Children's Fund, "A deadly journey for children: the Central Mediterranean migration route", February 2017. Available from www.unicef.de/blob/135970/6178f12582223da6980ee1974a772c14/a-deadl-journey-for-children---unicef-report-data.pdf.

[22] Mary Kawar, "Gender and migration: why are women more vulnerable?", in *Femmes en Mouvement: genre, migrations et nouvelle division internationale du travail*, Fenneke Reysoo and Christine Verschuur, eds. (Geneva, Graduate Institute Publications, 2016).

[23] Jonathan T. Hiskey and others, "Understanding the Central American refugee crisis: why they are fleeing and how U.S. policies are failing to deter them", 2016. Available from www.americanimmigrationcouncil.org/sites/default/files/research/understanding_the_central_american_refugee_crisis.pdf.

[24] Kristy Siegfried, "On the trail of migrant smugglers", 7 January 2014. Available fromwww.irinnews.org/analysis/2014/01/07/trail-migrant-smugglers.

[25] See https://missingmigrants.iom.int/latest-global-figures (accessed 30 May 2017).

[26] Jane Freedman, Zeynep Kivilcim and Nurcan Özgür Baklacıoğlu, eds., *A Gendered Approach to the Syrian Refugee Crisis* (Abingdon, United Kingdom, Routledge, 2017).

12. Migrant women and girls without the means to access regular migration routes, particularly those relying on smuggling networks, are also at a heightened risk of sexual abuse. Many criminal gangs preying on migrant women and girls use sexual violence as part of the "price" they demand of migrants.[27] Women migrating through irregular or dangerous migration routes reported to IOM that they prepared for the risk of sexual attacks en route by purchasing emergency contraception or taking contraceptive injections ahead of the journey.[28] Unchecked sexual violence against women on the move is at risk of becoming normalized.

13. Migrant girls are particularly vulnerable to violence, abuse and exploitation, particularly if travelling alone.[29] Save the Children examined the link between the migration of unaccompanied minors and the risk of their becoming victims of trafficking. A strong correlation was found between unaccompanied child migration and sexual exploitation, forced labour and begging.[30] According to figures obtained by the United Nations Children's Fund (UNICEF), approximately 92 per cent of migrant children arriving in Italy in 2016 were unaccompanied.[31] Migrant adolescents and girls are also particularly vulnerable to sexual exploitation given that their perceived innocence, virginity and assumed low risk of sexually transmitted diseases are considered valuable by perpetrators.[32]

14. There continues to be an increasing demand for migrant women to fill labour deficits in countries of destination, particularly in the domestic and care sectors. The failure of States to recognize and value unpaid care work has perpetuated the demand for women migrant care workers to fill care deficits.[33] Migrant women who fill these care gaps in countries of destination often rely on female relatives to care for their own families in the countries of origin, creating a chain effect referred to as global care chains.[34] The clustering in care and domestic work in destination countries of low-income migrant women, many of whom are also ethnic minorities, perpetuates labour segregation and class and racial inequalities.[35]

15. The United Nations High Commissioner for Human Rights highlighted that migrant women are often restricted to gendered and informal occupations, such as care and domestic work, where legal protection of their labour rights is limited, heightening the risk of exploitation (see A/HRC/33/67). ILO estimates that, of the 11.5 million migrant domestic workers worldwide, 73.4 per cent are women, most of whom work in private homes. The location of domestic work in the private sphere often leads to the perception that it is unskilled work, of low value and

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[27] Amnesty International, "Invisible victims: migrants on the move in Mexico", April 2010. Available from www.amnestyusa.org/files/amr410142010eng.pdf.

[28] IOM, Key informant interviews on women and children migrants in Libya conducted in Tunis, 26 and 27 September 2016.

[29] United Nations Support Mission in Libya and OHCHR, "Detained and dehumanised", report on human rights abuses against migrants in Libya, 13 December 2016. Available from www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf.

[30] Save the Children, "Young invisible enslaved: the child victims at the heart of trafficking and exploitation in Italy", 2016.

[31] UNICEF press release, 17 May 2017. Available from www.unicef.org/media/media_95997.html.

[32] Office of the United Nations High Commissioner for Refugees (UNHCR), "Sexual and gender-based violence against refugees, returnees and internally displaced persons: guidelines for prevention and response", May 2003. Available from www.unhcr.org/3f696bcc4.pdf.

[33] Sarah Gammage and Natacha Stevanovich, "Gender, migration, work and care deficits: what role is there for the SDGs?", background paper prepared for the Expert Group Meeting on women's economic empowerment in the changing world of work, Geneva, September 2016.

[34] Tam O'Neill, Anjali Fleury and Marta Foresti, "Women on the move: migration, gender equality and the 2030 Agenda for Sustainable Development", July 2016. Available from www.odi.org/sites/odi.org.uk/files/resource-documents/10731.pdf.

[35] World Bank, "Gender differences in employment and why they matter", in *World Development Report 2012: Gender Equality and Development* (Washington D.C., 2011).

falling outside of normal labour protections. Migrant domestic workers are often exposed to physical, psychological and sexual violence, including retaliatory punishment from employers for small "errors" in their work.[36] In its general comment No. 1, on migrant domestic workers, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families highlighted the increased risks faced by women migrant domestic workers, including from gender-based violence, adding that these risks are exacerbated for women with irregular migration status.

16. It is within the commercial sex industry that the intersection between migration and trafficking is most pronounced. Many cases of trafficking start with migrant women who unwittingly utilize the services of traffickers posing as smugglers. On arrival, traffickers leverage the fear of deportation to place these migrant women in exploitative situations.[37] Research conducted with women in the sex industry in Mexico found that the economic vulnerabilities of irregular migration contributed to women being forced to exchange sex for room and board.[38]

17. Women migrant workers may be disproportionately vulnerable to abuse and violence at all stages of migration, based on multiple and intersecting forms of discrimination. This includes the specific discrimination faced by migrant women with disabilities who may encounter structural, physical and attitudinal barriers, as recognized by the Committee on the Elimination of Discrimination against Women in its general recommendation No. 18. Migrant women may face discrimination based on other identities including their race, ethnicity, religion or belief, health, age, class, caste, being lesbian, bisexual or transgender. All of which are recognized in the Committee's general recommendation No. 32 as compounding the discrimination already faced by women.

18. Transgender migrant women are particularly vulnerable to exploitation and gender-based violence in countries of origin and destination. A recent study conducted by the Office of the United Nations High Commissioner for Refugees highlighted the constant discrimination, harassment, and threat of violence faced by transgender women, many of whom migrate after being shunned by friends and family members in their countries of origin. In both countries of transit and countries of destination, the gender identity of transgender migrant women further exacerbates the level of violence and abuse they experience. Pervasive cultural stigma and discrimination affect their ability to access the legal employment market, and many have no alternative but to work in the commercial sex industry in countries of destination.[39]

19. The multiple and intersecting forms of discrimination faced by migrant women have specific meaning for indigenous migrant women. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in his report to the General Assembly (A/HRC/35/42), noted his concern about the ongoing levels of discrimination, violence and threat faced by indigenous people. Indigenous women reportedly face disproportionately high rates of domestic violence and sexual abuse, exacerbated for indigenous migrant women, who often find it more difficult to access their rights in countries of destination.

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[36] United Nations, "Behind closed doors: protecting and promoting the human rights of migrant domestic workers in an irregular situation", 2015.

[37] *Global Report on Trafficking in Persons 2016* (United Nations publication, Sales No. E.16.IV.6).

[38] Shira M. Goldenberg and others, "Exploring the context of trafficking and adolescent sex industry involvement in Tijuana, Mexico: consequences for HIV risk and prevention", *Violence against Women*, vol. 21, No. 4 (April 2015).

[39] UNHCR, "Women on the run: first-hand accounts of refugees fleeing El Salvador, Guatemala, Honduras, and Mexico", October 2015. Available from www.unhcr.org/5630f24c6.html.

20. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also reported that political parties with anti-immigrant and anti-minority agendas play a significant role in fostering fears among populations against people of a certain religious or cultural background (see A/HRC/32/50). This places migrant women at particular risk as they are often held up as being symbolic bearers of caste, ethnic or cultural identity.[40] In a study conducted by the European Centre against Racism and Intolerance in 2016, Muslim women wearing visible religious symbols, such as the headscarf, were found to be particularly vulnerable to discrimination owing to the intersectionality of gender and religion.[41] This discrimination may be further heightened for migrant women.

III. Global legal and policy development and intergovernmental meetings

21. Legal, policy and normative development continued through conventions, resolutions and recommendations adopted by United Nations intergovernmental and expert bodies. Following the high-level meeting of the General Assembly to address large movements of migrants and refugees, held on 19 September 2016, a process of intergovernmental negotiations leading to the adoption of a global compact for safe, orderly and regular migration was launched. In support of this process, UN-Women and the Office of the United Nations High Commissioner for Human Rights (OHCHR), along with experts from relevant treaty bodies, United Nations agencies and civil society organizations, developed a set of expert recommendations to address women's human rights in the global compact, including concrete recommendations for ending all forms of violence against women migrant workers (see recommendations 3.9, 3.16, 5.2).[42]

22. The agreed conclusions adopted at the sixty-first session of the Commission on the Status of Women on women's economic empowerment in the changing world of work (see E/2017/27) raised concerns regarding the vulnerability to abuse and exploitation of women migrant workers, particularly in the informal economy. The Commission reiterated that the 2030 Agenda for Sustainable Development needs to be implemented in a comprehensive manner. The agreed conclusions highlight the role of men and boys as allies in the elimination of all forms of discrimination and violence against women and girls, and the Commission also recognized that women's economic autonomy can expand their options for leaving abusive relationships. It called for States to strengthen and enforce laws and policies to eliminate all forms of violence and harassment against all women in the world of work, underscoring that violence against women and girls is an obstacle to gender equality and women's economic empowerment. The implementation and achievement of target 5.2 of the Sustainable Development Goals will ensure that States respond to the calls made in the agreed conclusions, and finally eliminate all forms of violence against women and girls in both the private and the public sphere.

23. The Global Forum on Migration and Development continued to address the gendered dimensions of migration. At the 2016 Summit, the Chair of the Civil

[40] Charlotte Lindsey, "Women in war", International Committee of the Red Cross study on the impact of armed conflict on women, 2001. Available from www.icrc.org/eng/assets/files/other/icrc_002_0798_women_facing_war.pdf.

[41] European Commission against Racism and Intolerance, "Annual report on ECRI's activities", June 2017. Available from www.coe.int/t/dghl/monitoring/ecri/activities/Annual_Reports/Annual%20report%202016.pdf.

[42] Available from www.unwomen.org/en/digital-library/publications/2017/3/addressing-womens-rights-in-global-compact-for-migration.

Society Days underscored that migrant women are not vulnerable populations in need of rescue. He added that restrictive immigration policies place women in situations of vulnerability by driving them to use irregular and often more dangerous migratory routes.[43]

24. During the fortieth annual meeting of the Ministers for Foreign Affairs of the Group of 77, the Ministers reaffirmed the need to promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and girls, irrespective of their migration status. In the Ministerial Declaration it was recognized that violence and discrimination against women and girls continue to be obstacles to the achievement of gender equality, the empowerment of all women and girls, and development (see A/71/422, annex, paras. 72 and 84).

25. At its sixty-ninth session, the World Health Assembly welcomed the launch by the United Nations Secretary-General of the new Global Strategy for Women's, Children's and Adolescents' Health (2016-2030). The Global Strategy seeks to expand enabling environments for all women and girls. It outlines the need to eliminate all harmful practices, discrimination, and physical and sexual violence carried out against them, while recognizing the marginalization faced by women and girls based on intersecting forms of discrimination including migration status.[44]

26. General Assembly resolution 71/237, on international migration and development, underscores Member States' commitments in the Addis Ababa Action Agenda (resolution 69/313) to ensure women's equal participation in the economy and to eliminate all gender-based violence and discrimination. It further emphasizes the need for States to protect women migrant workers in all sectors, including those involved in domestic work.

27. Since the finalization of the previous report, the Human Rights Council has adopted several resolutions addressing the issue of violence against women.[45] In the resolutions, the Council recognized the need to strengthen national laws, institutions and programmes to combat gender-based violence including trafficking in persons, further adding that all violence against women and girls is a form of discrimination that violates their full enjoyment of human rights.

28. The human rights treaty bodies continued to take up the situation of violence against women, including women migrant workers. Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women addresses the obligations of States to eliminate discrimination against women in employment. General recommendation No. 26, on women migrant workers, of the Committee on the Elimination of Discrimination against Women highlights that women migrant workers are more vulnerable to sexual abuse, sexual harassment and physical violence. In general recommendation No. 34, on the rights of rural women, it is noted that women and girls from rural communities are at special risk of violence, sexual exploitation and harassment when they leave rural communities and migrate internally to seek employment in urban areas.

IV. Measures reported by Member States

29. In their contributions to the present report, Member States highlighted a range of measures taken to combat violence and discrimination against women migrant

[43] The full text of the Chair's report is available from https://gfmd.org/docs/bangladesh-2016.

[44] WHO, "The Global Strategy for Women's, Children's and Adolescents' Health (2016-2030)", 2015. Available from www.who.int/life-course/partners/global-strategy/ewec-globalstrategyreport-200915.pdf?ua=1.

[45] For example, resolutions 29/14, 32/14 and 35/10.

workers. States also provided some information on anti-trafficking policies, highlighting the important, but often ambiguous, links between violence against women migrant workers and trafficking.[46]

A. International instruments

30. Since the previous report of the Secretary-General the number of States parties to international instruments relevant to tackling violence and discrimination against women migrant workers has marginally increased.[47]

Treaty	*Number of ratifications, 2015*	*Number of ratifications, 2017*
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	48	51
United Nations Convention against Transnational Organized Crime	185	187
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	167	170
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	141	143

31. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, has been ratified by all 25 reporting States. China and Jordan have acceded to it and Japan is a signatory.

32. The Protocol against the Smuggling of Migrants by Land, Sea and Air has been ratified by Argentina, Australia, Bosnia and Herzegovina, Burkina Faso, Cambodia, Costa Rica, Cyprus, the Dominican Republic, Ecuador, Greece, Indonesia, Italy, Jamaica, Mexico, Mozambique, the Philippines, Poland, the Russian Federation and Turkey. Japan and Sri Lanka are both signatories.

33. Several States contributing to the present report are parties to relevant ILO conventions. Bosnia and Herzegovina, Burkina Faso, Cyprus, Ecuador, Italy, Jamaica and the Philippines are parties to the Migration for Employment Convention (Revised), 1949 (No. 97); Argentina, Australia, Bosnia and Herzegovina, Burkina Faso, Cambodia, China, Costa Rica, Cyprus, the Dominican Republic, Ecuador, Greece, Indonesia, Italy, Jamaica, Jordan, Mexico, Mozambique, Nepal, the Philippines, Poland, the Russian Federation, Sri Lanka, Togo and Turkey are parties to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Bosnia and Herzegovina, Burkina Faso, Cyprus, Italy and the Philippines are parties to the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and Bosnia and Herzegovina, Italy, Japan and Poland are parties to the Private Employment Agencies Convention, 1997 (No. 181).

34. On 5 September 2013, the ILO Domestic Workers Convention, 2011 (No. 189) came into force. As at 1 June 2017, 24 countries had ratified the Convention (up from 21 in 2015), including Argentina, Costa Rica, the Dominican Republic,

[46] Reports of the Secretary-General on trafficking in women and girls have been submitted to the General Assembly every two years, most recently at its seventy-first session (see A/71/223).

[47] All information on United Nations treaty ratification is available from https://treaties.un.org/pages/ParticipationStatus.aspx?clang=_en.

Ecuador, Italy and the Philippines of the reporting States. The Convention will enter into force for Jamaica on 11 October 2017.

35. Adherence to regional instruments tackling violence against women can also contribute to addressing violence against women migrant workers. Bosnia and Herzegovina, Italy, Poland and Turkey have ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention); Cyprus and Greece are both signatories. In June 2017, the European Commissioner for Justice and Gender Equality signed the Istanbul Convention thereby paving the way for the European Union's accession to the Convention upon ratification by the European Council.[48] Cambodia, Indonesia and the Philippines continue working with other members of the Association of Southeast Asian Nations (ASEAN) to conclude an instrument on implementing the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.[49]

B. Legislation

36. Legal frameworks adopted by States seek to protect migrant women in regular and irregular situations, including those in formal or informal employment. Measures that can provide protection to women migrant workers can be found in different sections of national legislation, including legislation responding to violence against women, employment conditions, labour rights, immigration laws, and specific legislation that governs the protection of migrants and the prevention of trafficking.

37. Several States (Argentina, Dominican Republic, Ecuador, Jamaica, Jordan, Mozambique, Nepal, Russian Federation, Togo) have provisions within their constitutional framework or national legislation to ensure that women and men are treated as equal before the law. In Jamaica, Jordan and Mozambique these laws cover all persons working or living within their territories regardless of nationality. Bosnia and Herzegovina has a national law on gender equality which forbids discrimination on the grounds of gender, and harmonized both the Law on Foreigners and the Law on Asylum with the Law on Gender Equality. Indonesia is currently drafting an amendment to the Law on the Placement and the Protection of Indonesian Migrant Workers to harmonize it with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

38. Specific provisions within the Penal Codes of several reporting States (Costa Rica, Dominican Republic, Greece, Japan, Poland, Turkey) address violence against women, without specifying migration status. The Penal Codes of Costa Rica, Japan and Poland provide equal access to assistance and protection to all victims of violence regardless of migration status.

39. In line with international labour and human rights standards, some States reported having specific measures in place to protect women migrant workers against discrimination, exploitation and violence. Greece, under its law on the return of third-country nationals, prohibits the involuntary return of migrant women who are pregnant or within six months of giving birth. Australia, Burkina Faso, Ecuador, Japan, Mexico and Togo have specific labour legislation to ensure that migrant workers receive the same level of protection from exploitation and access to the

[48] See www.consilium.europa.eu/en/press/press-releases/2017/05/11-violence-against-women/ (last accessed on 1 June 2017).

[49] See http://asean.org/asean-continues-to-protect-and-promote-the-rights-of-migrant-workers/.

same conditions of employment as nationals. Ecuador, Greece, Jamaica and Poland provide access to social protection schemes to those migrant workers with the legal right to work. The Russian Federation reported that its social care system supports all those in need, including women migrant workers, noting that all foreign citizens residing in the Russian Federation are entitled to medical care free of charge. Mexico aims to reduce the vulnerability of migrant women to spousal violence through the provision of its Migration Law which ensures that migrant women are provided with migration status independent of that of their spouse, ending the use of the immigration category "economic dependent".

40. Regulation of recruitment processes can prevent the exploitation of women migrant workers and protect them from abuse. Sri Lanka reported an amendment to the Penal Code providing increased powers to arrest illegal recruiters, without the need for a court order. In Nepal, Foreign Employment Regulation 2008 ensures that for every 1,000 Nepalese women migrant workers there will be one woman labour attaché appointed to help improve safe labour migration and reporting mechanisms. Cambodia implemented a decree placing greater responsibility on the role of recruitment agents in the protection of migrant workers, including ensuring that all recruited workers are enrolled in the social security programme, and recruitment agents must ensure that the migrant is returned safely to his or her country of origin at the end of the employment contract. Jordan strengthened legislation on the protection of domestic workers, including obligatory health and work insurance for migrant workers to be provided by recruitment offices and the removal of restrictions on the freedom of migrant women to refuse or change employer in the case of exploitation or violation of human rights. Regular inspections conducted by the Ministry in conjunction with the national police departments led to the closure of nine recruitment agencies and the withdrawal of 19 licences in 2016.

C. Policies

41. The commitment to protect women migrant workers was incorporated by several States (Argentina, Burkina Faso, Cambodia, Dominican Republic, Indonesia, Jamaica, Sri Lanka, Turkey) into national action plans on migration. These plans outline a gender-sensitive approach to migration governance, prioritizing the elimination of violence against women. Nepal reported on the implementation of an action plan on gender empowerment and the elimination of gender-based violence as a framework for national policies. Argentina identified the eradication of violence against all women as a national policy priority.

42. Several States reported increased protections for women migrant domestic workers. Cyprus aims to reduce migrant domestic workers' vulnerability by providing the option to change employers should there be a breach of contract. Costa Rica, Jordan and Nepal have strengthened the working conditions for domestic workers including their legal entitlement to standardized work hours, weekly time off and, in the case of Costa Rica, an annual holiday entitlement. The Russian Federation reported that all employment contracts must stipulate working hours, terms of payment and the designated number of days off.

43. Improved access to justice for women migrant workers has been reported by Costa Rica, Ecuador, Indonesia and Nepal, with Costa Rica and Ecuador highlighting the need for improvements for women with irregular migration status. In Ecuador, the Judicial Council developed policies to combat gender-based violence, maltreatment and sexual exploitation of women regardless of their migration status and to help overcome institutional barriers. Nepal established the Foreign Employment Tribunal to facilitate access to justice for migrant workers who are victims of exploitation.

D. Data collection and research

44. While the lack of data on violence against women migrant workers remains a concern, some States have collected data on labour and migration and on the incidence of violence against women, including women migrant workers. Australia, Bosnia and Herzegovina, Cambodia, Costa Rica, Indonesia, Nepal and Sri Lanka reported having collected sex-disaggregated data on migration and labour, while Costa Rica and Italy reported having data on violence against women disaggregated by migration status. Cambodia collects sex- and sector-disaggregated data on Cambodian workers migrating internationally through regular channels.

45. Ecuador, Greece, Italy and Turkey reported the adoption of new approaches to data collection with the aim of increasing information on women migrant workers. For example, Ecuador developed an online system to register new migrants and immediate members of their family, which includes information about key demographics.

46. The Dominican Republic, Ecuador, Italy, Jamaica, Mozambique and Sri Lanka reported gathering data on violence and discrimination carried out against women, including women migrant workers. Costa Rica collected data on the number of migrant women using women's shelters, the number of victims of trafficking disaggregated by sex, and the number of femicides reported.

E. Preventive measures, training and capacity-building

47. Prevention strategies, such as educating policy makers and the public, providing capacity-building to migrants and training for public officials, and strengthening labour inspections are all central to eliminating violence against women migrant workers. Several States (Australia, Costa Rica, Mexico, Philippines, Sri Lanka, Togo) referred to specific measures in place to prevent violence against women migrant workers. Turkey reported undertaking an awareness-raising campaign entitled "Here I am to end violence against women", with banners at sports games and advertisements on television. Japan and Poland reported on the provision of specific support for civil society organizations working to reduce the exploitation and abuse of women migrant workers.

48. Many States reported investing in capacity-building for women migrant workers on employment rights and standard working conditions, and training on violence and legal protections. Australia, Costa Rica, Mexico and the Philippines have integrated information programmes and pre-departure training into the recruitment of migrant workers, specifically migrant domestic workers. The Philippines reported on a comprehensive, country-specific pre-departure training programme for migrant domestic workers which includes language classes, stress management and modules on employment contracts and financial literacy.

49. Australia, Italy and Sri Lanka reported that they were developing specific training programmes for employers, employment agencies and intermediaries on the rights of women migrant workers to eliminate and prevent discrimination and violence. In Australia the Migrant Workers' Taskforce examines the labour hiring practices of companies that employ migrant workers to identify persistent cases of exploitation and underpayment, particularly of vulnerable groups or in specific sectors.

50. Several States (Australia, Bosnia and Herzegovina, Costa Rica, Cyprus, Ecuador, Greece, Jamaica, Jordan, Mexico, Sri Lanka, Turkey) reported conducting

training programmes for public officials, including the judiciary, police, immigration officials and civil servants. Such training sought to improve mechanisms for identifying women migrant workers at risk of violence and increase protection from exploitation and abuse.

F. Protection and assistance

51. Migrant women who are survivors of violence need a range of services to help them recover from their trauma and protect against future violations. Several States (Australia, Bosnia and Herzegovina, Cambodia, China, Costa Rica, Dominican Republic, Ecuador, Greece, Indonesia, Jamaica, Japan, Mexico, Poland, Turkey) reported on the availability of services and mechanisms to protect women survivors of violence and trafficking. This included ensuring that information services are more accessible, through the provision of multilingual hotlines and providing information on shelters, safe houses, legal aid, health and counselling services. Italy reported offering six-month residence permits for women migrant workers who file a complaint against their employer, including accusations of violence or abuse.

G. Bilateral, regional, international and other cooperation

52. Several States (Cambodia, Indonesia, Jamaica, Nepal, Philippines, Togo) reported having bilateral agreements on labour migration. The Philippines noted the role of bilateral agreements in ensuring standardized contracts of employment in countries of destination. Indonesia holds 13 bilateral agreements related to the protection and placement of migrant workers in both the formal and informal economies. Togo has a formal arrangement in place with France to protect the social security rights of nationals, including women workers, in their respective countries.

53. Multilateral cooperation was reported by Bosnia and Herzegovina, Burkina Faso, Cambodia, Costa Rica, Jamaica, the Philippines, Poland, Sri Lanka, Togo and Turkey. The regional mechanisms included the Association of Southeast Asian Nations, the Caribbean Community and Common Market, the Common Market of the South, the Economic Community of West African States, the Colombo Process, and the Organization for American States. Sri Lanka signed memorandums of understanding and bilateral agreements with several countries of destination in the Gulf to protect the rights and welfare of women migrant workers. In the ASEAN region, Indonesia highlighted the importance of implementing legally binding instruments that protect both documented and undocumented workers and their families. Jordan worked closely with the European Union and IOM on workshops and training courses to improve Jordan's victim protection services for migrants, with a focus on women migrant workers.

V. Initiatives of United Nations and related entities in support of national efforts

A. Research and data collection

54. Entities of the United Nations system continued to support the increased collection, analysis and availability of data on migrant women and children, including on violence against them. In its work with Member States, the World Health Organization developed a Global Plan of Action on Violence against Women and Girls, to support States in generating evidence on the magnitude and consequences of violence against women, including migrant women and girls.

Pursuant to Human Rights Council resolution 29/2, OHCHR prepared a study on the situation of migrants in transit, including women and girls, which was presented to the Council in March 2016 (A/HRC/31/35). IOM conducted a study on the health effects of labour exploitation and trafficking of women and men.[50] The United Nations trust fund in support of actions to end violence against women supported a project based in Guatemala which created a mechanism to register cases of violence against women in the sex industry, who were mostly young indigenous migrant women.[51] The project worked with 2,165 women in the sex industry, 73 of whom identified as indigenous migrant women. The project provided a broader evidence base for a referral system and increased access to health, legal and social services for survivors of violence.

B. Support for legislative and policy development

55. Entities of the United Nations system continued to collaborate with national authorities to ensure that laws cohere to protect, assist and prevent violence against women migrant workers. ILO and UN-Women supported and encouraged the ratification of ILO Convention No. 189 and Recommendation No. 201 concerning decent work for domestic workers. UN-Women and OHCHR in conjunction with other United Nations entities, treaty bodies and civil society organizations developed a set of expert recommendations to address women's human rights in the global compact for safe, orderly and regular migration. Those recommendations, which have been endorsed by the Committee on Migrant Workers and the Committee on the Elimination of Discrimination against Women, seek to support States in developing human rights-based and gender-responsive migration policies, particularly in the preparatory phases of the global compact on migration, providing specific references for women to live free of all forms of violence.

56. The Committee on the Elimination of Discrimination against Women provided concluding observations to several States (Canada, Japan, Jordan, Philippines) on addressing violence against women migrant workers. The Committee recommended that States increase the availability of sex-disaggregated labour data, particularly relating to indigenous and minority women, as well as women with disabilities and migrant women.

C. Advocacy, awareness-raising and capacity-building

57. Entities of the United Nations system continued to support advocacy, awareness-raising and capacity-building efforts to prevent violence against women migrant workers. During the tenure of UN-Women as Chair of the Global Migration Group in 2016, the specific needs and vulnerabilities of migrant women — including their increased risk of sexual and gender-based violence — were highlighted and incorporated into the work and output of the group. Further, the Global Migration Group, led by OHCHR, developed a set of principles and guidelines on the human rights protection of migrants in vulnerable situations within large and/or mixed movements,[52] including a focus on migrant women and girls, with specific measures to reduce sexual and gender-based violence. These will be submitted to the Human Rights Council at its thirty-seventh session in March

[50] Available from https://publications.iom.int/system/files/pdf/labour_exploitation_trafficking_en.pdf.

[51] For information on the project see the 2015 annual report of the United Nations trust fund to end violence against women. Available from http://untf.unwomen.org/en/digital-library/publications/2016/06/annual-report-2015.

[52] Available from www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf.

2018. The Secretary-General's High-level Panel on Women's Economic Empowerment recognized the importance of strengthening mechanisms for protecting women in the labour market. This included addressing sexual violence and harassment in the workplace as well as the need for States to continue signing and ratifying the ILO Domestic Workers Convention (No. 189) to improve the protection of women migrant domestic workers.[53]

58. The UN-Women programme on promoting and protecting the labour and human rights of women migrant workers supported capacity-building of Governments, migrant women and their organizations in three pilot countries, Mexico, the Philippines and the Republic of Moldova. UN-Women, in partnership with IOM, promoted the campaign "I am a Migrant" which sought to break down negative stereotypes and raise awareness of migrants' experiences across Mexico. In Moldova, an awareness-raising campaign, entitled "It is worth seeing migrant women through other eyes", sought to inform the public about women migrant workers and their true contribution to local development, while working to reduce stigma. In 2015, OHCHR produced a short documentary film entitled "I am not here" portraying the life of an undocumented migrant domestic worker as seen through the eyes of three women migrant workers.[54]

VI. Conclusions and recommendations

Conclusions

59. States have continued to take action at national, regional and global levels to combat violence against women migrant workers, promote their labour and human rights, and end gender-specific discrimination in migration policies. Although several States reported developing new approaches to data collection on incidences of violence against women and on migration and labour statistics, there continue to be persistent gaps in sex-disaggregated data on the experiences of violence against women migrant workers. This is especially challenging because of the number of migrant women working in informal and unregulated sectors.

60. Despite the potential for migration to promote women's agency and economic empowerment, restrictive immigration laws and a lack of regular channels for labour migration can increase the risk to women migrant workers of violence and exploitation, particularly for those women using irregular migration routes or the services of unscrupulous recruitment agents or smugglers. The risks of exploitation or abuse for women migrant workers are exacerbated by persistent gender inequalities, and heightened further still for those migrant women experiencing multiple and intersecting forms of discrimination.

61. States have taken steps to improve migrant women's access to justice, including greater awareness-raising among public officials and training programmes to support the judiciary, as well as specific campaigns to strengthen the capacity of women migrant workers to understand their legal entitlement to labour and human rights.

62. Despite many States reporting improved access to justice for migrant women, irregular migration status and the threat of imprisonment and/or

[53] See http://hlp-wee.unwomen.org/-/media/hlp%20wee/attachments/reports-toolkits/hlp-wee-report-2017-03-taking-action-en.pdf.

[54] Available from www.youtube.com/watch?v=v1GY6ltQVaM.

deportation continue to exacerbate the vulnerability of migrant women to sexual and gender-based violence. The failure of some States' criminal justice systems to adequately differentiate between irregular migration, smuggling and trafficking continues to be problematic as victims of abuse or exploitation become recorded, instead, as criminals.

63. In this context, the commitments by States to eliminate all forms of violence against women and girls and support migrant women and girls in the 2030 Agenda for Sustainable Development and the New York Declaration for Refugees and Migrants are particularly significant. The global compact for safe, orderly and regular migration presents States with a unique opportunity to develop international migration governance that works for women. This will involve the protection of migrant women and girls against violence and exploitation at all stages of migration, while promoting their agency and leadership.

Recommendations

64. States are encouraged to implement the recommendations outlined below in order to eliminate violence and discrimination against women migrant workers and enhance their access to justice, public services, decent work and social protection:

(a) Ensure the realization of women migrant workers' human rights in line with the 2030 Agenda for Sustainable Development;

(b) Take measures to achieve all targets of the Sustainable Development Goals relating to women migrant workers, in particular target 5.2 on the elimination of all forms of violence against women and girls, and report on progress in implementation;

(c) Align national migration legislation to the Convention on the Elimination of All Forms of Discrimination against Women and general recommendation No. 26 of the Committee on the Elimination of Discrimination against Women to ensure full and comprehensive protections for all migrant women, including women migrant workers;

(d) Ensure that the global compact for safe, orderly and regular migration promotes gender equality and the empowerment of all migrant women and girls, and tackles all forms of violence perpetrated against them;

(e) Ratify and implement international instruments relevant to tackling violence and discrimination against women migrant workers without delay;

(f) Ratify and implement international labour standards, in particular the ILO Domestic Workers Convention, 2011 (No. 189) and the associated Recommendation (No. 201), so that domestic workers, including migrant domestic workers, have access to decent work and protection against all forms of abuse, harassment and violence;

(g) Eliminate all migration policies that discriminate against women and girls and ensure that national migration policies are gender-responsive and address multiple and intersecting forms of discrimination faced by women migrant workers including on grounds such as age, race, ethnicity, disability, indigenous status, or being lesbian, bisexual or transgender;

(h) Eliminate gender-based discrimination, xenophobia and stigma against women migrant workers through increased awareness-raising about the positive contributions of women migrant workers, and provide capacity-

building to public officials on the specific needs and vulnerabilities of migrant women;

(i) Address all gender inequalities in the labour market which may be drivers of women's migration, by increasing the availability of decent work for women;

(j) Improve working conditions in the informal, unregulated sectors in which many women are concentrated — particularly domestic and care work — to enhance their economic empowerment;

(k) Ensure that migrant women and girls have access to all public services regardless of migration status, including health, in particular sexual and reproductive health and reproductive rights, education and access to justice, with information provided in a linguistically and culturally appropriate manner; and separate immigration enforcement from access to public services through the implementation of "firewalls";

(l) Establish accessible and confidential gender-based violence prevention and protection services, which are linguistically and culturally appropriate, and include provision of information on the rights of women migrant workers, hotlines, dispute resolution mechanisms, legal aid, psychological support and trauma counselling; sexual and reproductive health and social services, women-only spaces, and access to women's shelters;

(m) Improve the collection and dissemination of sex-disaggregated data, including on migrant fatalities and missing persons during transit and at international borders, and conduct gender-responsive research and analysis on the experiences and realities of migrant women, including cases of violence against migrant women and violations of their rights.

65. The United Nations system is encouraged to support Member States in the implementation of measures at all levels, and to strengthen partnerships with all stakeholders, including civil society organizations, cooperatives and unions that support women migrant workers. The United Nations system should further strengthen inter-agency collaboration in order to better support women migrant workers, including through the inter-agency Global Migration Group.